

SITUATION OF LGBTI PERSONS IN ITALY

Brief Assessment of the Implementation of the Cycle 3 of the UPR

In 2020, during the third cycle of the Universal Periodic Review (UPR), Italy received 17 recommendations relevant to the human rights of LGBTI+ persons, of which 16 were accepted. However, the government only noted Recommendation 171, made by Iceland, which called for the legal recognition of both same-sex parents and access to adoption for same-sex couples.

A recommendation to establish a functionally and financially independent human rights institution, in line with the Paris Principles and with a multi-ground mandate, was made by 41 UN member States during Cycle 3. However, this institution has not yet been established.

In October 2022, the government adopted a National Strategy for LGBTI+ Equality (2022-2025) through a Ministerial Decree. Nevertheless, there are significant gaps regarding the inclusion of clear indicators, deadlines, and adequate resources for its implementation.

Also in October 2022, the Italian Senate voted down an anti-homophobic violence bill, which would have categorised violence against LGBTI+ persons as a hate crime.

In March 2022, the Constitutional Court ruled on two significant cases regarding the rights of same-sex families, urging Parliament to legislate on these issues without delay to prevent discrimination. However, no law has been discussed or passed on these matters to date.

THE RIGHTS MOST COMMONLY VIOLATED:

Right to life, security, equality and protection from violence and discrimination

Right to bodily integrity and self-determination

Right to marry and create a family

Right to seek asylum

Challenges

Same-sex families

Italy lacks legislation recognising both same-sex parents, exposing children to legal vulnerabilities. Lesbian couples cannot access IVF, and surrogacy is criminalised for everyone. LGBTI people have limited adoption rights, with only step-child adoption available. In October 2024, Italy passed a law to make surrogacy a universal crime, a move that disproportionately affects same-sex couples. This approach is controversial, as universal crimes typically apply to serious offences like genocide or child trafficking.

Bias-Motivated Violence and Speech

There has been an increase in anti-LGBTI+ hate crimes and hate speech in Italy, with discriminatory rhetoric being promoted by prominent political figures. Without a functionally and financially independent human rights institution, compliant with the Paris Principles and with a multi-ground mandate, Italy lacks the infrastructure to address these rising threats effectively and comprehensively, leaving the LGBTI+ community exposed to continued violence and discrimination.

Conversion Therapy and Harmful Practices

Conversion therapy remains legal in Italy, despite international condemnation. This harmful practice causes severe psychological and physical harm to LGBTI individuals.

Cases, facts, comments, impact

In Padua, 33 mothers were informed that their children's birth certificates were invalid, stripping one parent of legal recognition. This case highlights the inconsistencies in court rulings and how children's rights are affected by the lack of legal protections. The European Court of Human Rights has ruled that children should not be penalised for their parents' decisions, yet Italy continues to fall short of this standard. The new law making surrogacy a "universal crime" further endangers the rights of LGBTI families. 56.8% of Italians support extending marriage rights to same-sex couples, demonstrating public support, but legislative action remains lacking.

While 41% of respondents in the EU LGBTI Survey II report a rise in intolerance, only 8% believe their government effectively combats this discrimination. 61% of LGBTI people in Italy avoid holding hands in public due to fear of violence, and politicians' discriminatory rhetoric exacerbates this hostile environment.

18% of respondents in the EU LGBTI Survey II report to have experienced conversion therapy, a practice condemned as torture by the UN.

Challenges	Cases, facts, comments, impact
<p>Discriminatory Asylum Practices Italy's asylum policies continue to fail LGBT+ individuals by including countries that criminalize homosexuality in the "safe countries of origin" list. Additionally, there are ongoing legislative efforts to remove sexual orientation and gender identity as valid reasons for granting protection under Italy's "protezione speciale" (special protection) status. This regression would further endanger LGBT+ asylum seekers by denying them necessary protection and risking their forced deportation to hostile environments.</p> <p>Human rights of Trans people Schools have been called upon to no longer accept the gender identity of trans children in education, increasing the risk of discrimination and bullying. At the same time, access to essential healthcare for trans youth is increasingly at risk.</p>	<p>Italy's inclusion of countries that criminalise homosexuality in the "safe countries of origin" list puts LGBT+ asylum seekers at risk of deportation, violating the EU's Qualification Directive and the principle of non-refoulement. Additionally, in 2022, a third of Italy's residence permits were granted through "protezione speciale" (Article 19 of the "Security Decree" concerning deportations state), which included protections based on sexual orientation and gender identity. However, recent legislative proposals aim to eliminate these protections, endangering LGBT+ individuals already seeking refuge in Italy. Survey data shows that 41% of respondents in Italy perceive an increase in prejudice and intolerance, underscoring the urgency of addressing these risks.</p> <p>In Italy, approximately 300 schools have adopted a system allowing trans students to use their chosen names and genders in internal records, preventing misgendering and fostering a more inclusive environment. However, political opposition seeks to dismantle these protections. An investigation was started on the public service of the Careggi Hospital in Florence, regarding the administration of hormone blockers to trans youth.</p>

RECOMMENDATIONS

- Recommendation 1. Establish and adequately fund a functionally and financially independent human rights institution**, in full compliance with the Paris Principles, with a multi-ground mandate to promote equality, including protections against discrimination based on sexual orientation, gender identity and expression, and sex characteristics.
- Recommendation 2. Enact legislation to ensure the automatic recognition at birth of children born to LGBTI+ parents**, and extend this recognition to children who have already been born, safeguarding their rights and ensuring legal recognition of their parentage.
- Recommendation 3. Extend adoption rights to single parents and same-sex couples**, ensuring equal access to adoption procedures without discrimination based on sexual orientation or marital status.
- Recommendation 4. Ensure equal access to civil marriage for same-sex couples**, thereby upholding the principle of non-discrimination in family rights and protections.
- Recommendation 5. Guarantee non-discriminatory access to reproductive health services**, including assisted reproductive technologies, ensuring that sexual orientation is not a barrier to reproductive rights.
- Recommendation 6. Prohibit non-consensual and medically unnecessary surgeries on intersex children**, in line with international human rights standards, to safeguard bodily autonomy and integrity.

ADVANCED QUESTIONS

- Question 1. How is the government addressing concerns related to the Education Commission's resolution calling on the Parliament to ban the teaching of gender and sexual diversity in schools**, and what measures are in place to ensure the protection of LGBT+ students' rights and the promotion of an inclusive and safe learning environment?
- Question 2. What measures have been taken to ensure the protection of LGBTI asylum seekers**, especially considering recent updates to the list of "safe countries of origin" that now includes countries where homosexuality is criminalised or LGBT+ people face severe discrimination?
- Question 3. What measures have been taken to address the practice of so-called "conversion therapy" in Italy**, particularly given its harmful physical and psychological effects on LGBTI individuals, and are there any plans to introduce legislation banning these practices, in line with international human rights standards?
- Question 4. What steps is the government taking to protect the rights of trans youth**, particularly regarding the systems that allow trans students to use their chosen names and gender identities in school records (Carriere Alias) and access to healthcare? How does the government plan to address concerns about undermining these essential services and support systems for trans individuals?

CONTACT INFORMATION

This information was prepared by the following organisations: Associazione Radicale Certi Diritti, IntersexEsiste, Famiglie Arcobaleno e Arcigay. For more information on LGBTI issues in Italy, please consult: Yuri Guaiana, email: yurigu@gmail.com, mobile: +393404694701.

